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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/988,103	11/13/2001	Terry S. Owens	8614.56	8070

21999 7590 03/03/2003

KIRTON AND MCCONKIE  
1800 EAGLE GATE TOWER  
60 EAST SOUTH TEMPLE  
P O BOX 45120  
SALT LAKE CITY, UT 84145-0120

EXAMINER

SOTOMAYOR, JOHN

ART UNIT	PAPER NUMBER
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3714

DATE MAILED: 03/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/988,103

Applicant(s)

OWENS ET AL. *MP*

Examiner

John L. Sotomayor

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 November 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

----- A person shall be entitled to a patent unless -----

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-4, 6-14, and 16-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Weingarden et al (US 6,164,975).

3. Regarding claims 1, 11, and 20, Weingarden et al discloses a system, method and computer program product for instruction through the use of a cognitive index that includes a plurality of nodes, a plurality of computer systems for storing information including source content using referential pointers that serve as anchors for the information, network inclusion, and an index which includes the relationships of a plurality of anchors (Col 1, lines 25-67 and Col 2, lines 1-40).

4. Regarding claims 2 and 3, Weingarden et al discloses that the system may be used on a single computer system (claim 2) or on a plurality of computer devices (claim 3) (Col 2, lines 65-67).

5. Regarding claim 4, Weingarden et al discloses that the system and method that includes text that is preserved on a computer readable medium (Col 1, lines 40-45).

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6. Regarding claims 6 and 7, Weingarden et al discloses that the system and method utilizes a tree-based facility for nodes to establish a network of corresponding conceptual nodes (Col 1, lines 53-57).

7. Regarding claims 8 and 9, Weingarden et al discloses that the system utilizes a local area network (claim 8) and the Internet (claim 9) for network access and operation (Col 2, lines 33-40).

8. Regarding claim 10, Weingarden et al discloses a system with an index accessible through the use of a web page (Col 2, lines 34-35).

9. Regarding claim 12, Weingarden et al discloses a method with steps for selectively associating objects to a plurality of nodes (Col 2).

10. Regarding claim 13, Weingarden et al discloses a method in which objects comprise one or more of text, graphics, audio and video files (Col 1, lines 40-46).

11. Regarding claim 14, Weingarden et al discloses a method for selectively providing information including receiving a request for one or more objects and providing the requested objects (Col 2).

12. Regarding claim 16, Weingarden et al discloses a method in which the establishment of network node connections is accomplished automatically (Col 1).

13. Regarding claims 17 and 18, Weingarden et al discloses a method in which establishing a referential pointer for use as an anchor for a plurality of nodes consists of locating an anchor in the source content and converting the anchor to a conceptual node (Col 2).

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14. Regarding claim 19, Weingarden et al discloses a method in which an automated acquisition of data is accomplished through the system asking for information in order to elicit answers (Col 7).

***Claim Rejections - 35 USC § 103***

15. - The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

16. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

17. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

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18. Claims 5 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weingarden et al.

19. Regarding claim 5, Weingarden et al does not specifically disclose that the source content includes HTML code. However, Weingarden et al does disclose that the system is used to provide presentations over a global computer network such as the Internet. The most common method of presentation over the Internet is through a Web browser, which is programmed in HTML. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to provide a system and method wherein the source content includes HTML code.

20. Regarding claim 15, Weingarden et al does not specifically disclose that one or more identified objects are sent over a network via email. However, it is common and well-know to communicate objects over a global network such as the Internet through the use of an email program. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to provide a system and method wherein one or more identified objects are sent via email.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Reed et al. (US 6,524,239 B1) for a discussion of using a computer based cognitive monitoring subsystem for gathering health related data.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John L Sotomayor whose telephone number is 703-305-4558.

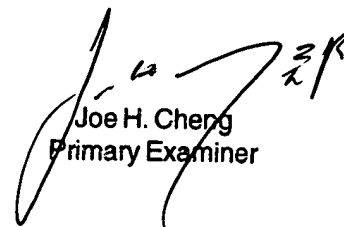
The examiner can normally be reached on 6:30-4:00 M-F.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Hughes can be reached on 703-308-1806. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-7768 for regular communications and 703-308-7768 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4558.

jls  
February 25, 2003

  
Joe H. Cheng  
Primary Examiner